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Kenneth R. Adamo  
James L. Wamsley III  
JONES DAY  
North Point  
901 Lakeside Avenue  
Cleveland, Ohio 44114  
[kradamo@jonesday.com](mailto:kradamo@jonesday.com)  
[jlwamsleyiii@jonesday.com](mailto:jlwamsleyiii@jonesday.com)  
Telephone: (216) 586-3939  
Facsimile: (216) 579-0212

Tharan Gregory Lanier, State Bar No. 138784  
JONES DAY  
2882 Sand Hill Road, Suite 240  
Menlo Park, California 94025  
[tglanier@jonesday.com](mailto:tglanier@jonesday.com)  
Telephone: (650) 739-3939  
Facsimile: (650) 739-3900

Attorneys for Defendant and Counterclaimant  
MOSAID Technologies Incorporated

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

INFINEON TECHNOLOGIES NORTH  
AMERICA CORP.,

Plaintiff,

v.

MOSAID TECHNOLOGIES  
INCORPORATED,

Defendant,

AND RELATED COUNTERCLAIMS.

Civil Action No. 5:02-cv-05772 JF (RS)

**STIPULATION AND [PROPOSED] ORDER  
GRANTING MOSAID TECHNOLOGIES  
INC.'S MOTION FOR ENTRY OF FINAL  
JUDGMENT PURSUANT TO RULE 54(b)  
AND STAYING REMAINING ISSUES IN  
CASE**

The parties, having fully briefed MOSAID Technologies, Inc.'s Motion for FED. R.  
CIV. P. 54(b) Certification of Order Granting Infineon Technologies North America Corp., et al.'s  
Motion for Summary Judgment, and having discussed the issues, now hereby stipulate as follows:

1            THAT the United States District Court for the District of New Jersey's Order granting  
 2    Infineon Technologies North America Corp., et al.'s Motion for Summary Judgment on  
 3    MOSAID's infringement claims related to United States Patents Nos. 5,822,253 (the "253  
 4    patent"), 5,751,643 (the "643 patent"), 6,278,640 (the "640 patent"), 5,828,620 (the "620  
 5    patent"), 6,055,201 (the "201 patent"), and 6,580,654 (the "654 patent"), entered by the New  
 6    Jersey Court on April 1, 2005 (hereafter "the Summary Judgment Order") constitutes a "final  
 7    judgment" as to one or more but fewer than all of the claims in this action (specifically, the six  
 8    claims for relief contained in Counts II through VI and X of MOSAID's Third Amended Answer  
 9    and Counterclaims);

10           THAT an immediate appeal, accompanied by a stay of the remaining claims, will  
 11    conserve the resources of both this Court and the litigants;

12           THAT the six claims for relief covered by the Summary Judgment Order and Proposed  
 13    Stipulation are separable from the claims remaining to be adjudicated in this Court;

14           THAT the equities do not counsel against an immediate appeal of the six claims for relief  
 15    listed above; and

16           THAT, in light of the foregoing findings, there is no just reason for delaying the entry of  
 17    final judgment as to those six claims for relief.

18    Dated: October 25, 2005

KIRKLAND & ELLIS LLP

19           By: /s/ Paul A. Bondor

Paul A. Bondor

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 21           Attorneys for Plaintiff/Counterdefendants  
 22           INFINEON TECHNOLOGIES NORTH  
 23           AMERICA CORP., INFINEON TECHNOLOGIES  
 24           AG, INFINEON TECHNOLOGIES HOLDING  
 25           NORTH AMERICA INC., and INFINEON  
 26           TECHNOLOGIES RICHMOND, LP

27    Dated: October 25, 2005

JONES DAY

28           By: /s/ Tharan Gregory Lanier

Tharan Gregory Lanier

Attorneys for Defendant and Counterclaimant  
 MOSAID TECHNOLOGIES INCORPORATED

1 ACCORDINGLY, IT IS HEREBY ORDERED THAT:

2 Based on the stipulation of the parties and having considered MOSAID Technologies,  
3 Inc.'s Motion, the Court makes the express findings above and orders that: MOSAID  
4 Technologies, Inc.'s Motion be GRANTED; the Clerk should immediately enter final judgment  
5 on Counts II, III, IV, V, VI, and X of MOSAID's Third Amended Answer and Counterclaims  
6 ("Final Judgment Claims"); and all proceedings as to all remaining claims in this action are  
7 stayed pending remand or other disposition of any appeal regarding the Final Judgment Claims,  
8 or further order of the Court.

9 IT IS SO ORDERED.

10  
11 Dated: 10/27/05

/s/electronic signature authorized

HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT COURT JUDGE